

Time Frame for Report

Unless otherwise noted, the 2015 Chief FOIA Officer Report addresses agency activities that have occurred since the filing of last year's Report, which was March 17, 2014, up until the filing of the 2015 Report (March 15, 2015). Thus, the general reporting period for Chief FOIA Officer Reports is March 2014 to March 2015.

CNCS 2015 Chief FOIA Officer Report

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Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's **FOIA Memorandum** and the Attorney General's **FOIA Guidelines** is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

FOIA Training:

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

CNCS's FOIA Officer attended ASAP's FOIA and Privacy Act 2-day conference in May 2014.

2. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

100%. CNCS has one FOIA Officer, and she attended ASAP's training, per the response under question #1.

3. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

Since CNCS has only one FOIA Officer, the plan is simple: Attend whatever appropriate DOJ sessions (such as the Best Practices series) are offered, and

request priority for funding to attend ASAP's training conferences. The agency has provided the requested funding.

Discretionary Releases:

4. Does your agency have a distinct process or system in place to review records for discretionary release?

- If so, please briefly describe this process.*

The FOIA officer consults with members of the CNCS staff who have expertise regarding the material the team is considering for discretionary release. They advise the FOIA officer about whether there is or is not foreseeable harm resulting from release.

5. During the reporting period, did your agency make any discretionary releases of information?

No.

6. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance [on implementing the President's and Attorney General's FOIA Memoranda](#).

N/A

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

N/A.

8. If your agency was not able to make any discretionary releases of information, please explain why.

CNCS cited an exemption in only 26% of the requests we received in FY 2014. Of those, only 3 withheld information under Exemption 5. Of those three, one was a consultation; the decision to redact the information was not ours. The other two instances protected information from the preliminary, pre-decisional stages of a grant review process, per CNCS policy. All of the other information withheld in our responses fell under Exemptions 4, 6, and 7c.

Other Initiatives:

9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

- If any of these initiatives are online, please provide links in your description.

(See Section III, Section 4, below)

We post all of the application materials from **winning grantees** for the Social Innovation Fund. Information about the 2014 Senior Corps RSVP and Training and Technical Assistance grant competitions have also been proactively **posted**.

Our **Research and Reports** page includes reports on community impact and on measures of program effectiveness, both of high interest to those who use the site.

We post **state profiles** with detailed information about CNCS-related work in each state. Each state's page includes an archive of reports that goes back 10 years.

We send frequent agency and program updates through GovDelivery, and have developed robust email lists for a wide range of user interests.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

As the Attorney General emphasized in his **FOIA Guidelines**, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

Processing Procedures:

1. For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2014 Annual FOIA Report.

CNCS received one request for expedited processing in FY 2014 and adjudicated the request in four days.

2. *If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.*

Requester Services:

3. *Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration? See OIP Guidance, “[Notifying Requesters of the Mediation Services Offered by OGIS](#).” (July 9, 2010)*

Yes, the information is provided in every final response letter, except in cases where CNCS fully grants the request.

4. *When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication? See OIP Guidance, “[The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications](#).” (Nov. 22, 2013)*

No, we have not done this, as fee amounts were generally so small in FY 2014.

5. *If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester? See [id.](#)*

In previous years, when we did expect some fees to be high, we provided an estimate.

Other Initiatives:

6. *If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.*

During the reporting period we developed basic FOIA training for agency staff and placed it in our Learning Management System. Our intent was to help staff understand their role in searching for requested records and in referring requesters to the FOIA process when they seek agency records.

Section III: Steps Taken to Increase Proactive Disclosures

Both the **President** and **Attorney General** focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.

No, it is rather an ongoing effort across CNCS offices. See the answer to #2, below.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Generally, CNCS's decisions about public disclosure are made by, and in coordination with, our Office of External Affairs (OEA), the Office of the General Counsel (in which FOIA operations reside) and our other offices. OEA consults with the grant program and grant operations directors, the Office of Government Relations, the Office of Research and Evaluation, and senior advisors to the CEO to discuss posting material to our website and releasing information via social media.

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

The number of requests each year is small enough that it is simply a matter of paying attention to the FOIA tracking spreadsheet.

4. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

We post all of the application materials from **winning grantees** for the Social Innovation Fund. Information about the 2014 Senior Corps RSVP and Training and Technical Assistance grant competitions have also been proactively **posted**.

Our **Research and Reports** page includes reports on community impact and on measures of program effectiveness, both of high interest to those who use the site.

We post **state profiles** with detailed information about CNCS-related work in each state. Each state's page includes an archive of reports that goes back 10 years.

Other Initiatives:

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

N/A

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's **FOIA Memorandum** was the direction to “use modern technology to inform citizens about what is known and done by their Government.” In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information. You should also include any additional information that describes your agency's efforts in this area.

Making Material Posted Online More Useful

1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

- Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.*

Yes; see #2.

2. If yes, please provide examples of such improvements.

If your agency is already posting material in its most useful format, please describe these efforts.

The fact sheets CNCS posts are provided in both 508-compliant PDFs and in HTML format.

Our external website (www.nationalwservice.gov) is mobile app compliant through responsive design (that is, it notes the kind device a reader is using and accordingly).

The website is open format regardless of disability/accessibility needs.

3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

Yes, some.

4. If so, please briefly explain what those challenges are.

When we redesigned our external website a year and a half ago, we shifted from having a dedicated team that posted documents and kept the website current to training each office to update their own sites. This has led to some real success – for instance, our AmeriCorps National Civilian Community Corps (NCCC) now posts regular [updates about their deployments](#) to provide disaster services and sends out word via Twitter, Facebook, and GovDelivery. However, it also means that in very busy grant seasons, people don't have time to update their sections of the website, as the offices across CNCS are performing their core functions at such an intensive level.

Also, budget limitations have meant that CNCS does not have sufficient server space to allow for multiple Drupal "instances." (Drupal is the software we use to modify nationalservice.gov.)

Other Initiatives:

5. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

- *Please see OIP's [guidance](#) for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website but not appearing of FOIA.gov, please contact OIP in order to resolve the issue.)*

Yes, we successfully posted all quarterly reports.

6. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2015.

N/A

7. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "*The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications*." (Nov. 22, 2013) If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

Yes. We communicate by email to acknowledge requests and provide updates, and to send our responses, so long as the size of the document files is small enough to go through email. We have a dedicated FOIA email address (foia@cns.gov) that is posted on the FOIA page of www.nationalservice.gov.

8. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? See *id.*

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The **President** and the **Attorney General** have emphasized the importance of improving timeliness in responding to requests. This section your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2014 Annual FOIA Report and, when applicable, your agency's 2013 Annual FOIA Report.*

Simple Track: Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Yes.

2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

Yes – 9.6 days

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

59%

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A

Backlogs: Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

No.

- If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:
 - An increase in the number of incoming requests
 - A loss of staff
 - An increase in the complexity of the requests received

CNCS went from a backlog of 4 at the end of FY 2013 to a backlog of 7 at the end of FY 2014. However, only one of those backlogged cases was a carry-over from FY 2013. The rest were cases received in FY 2014.

None of the factors above, strictly speaking, were at work. Four of the backlogged cases were complex (but not an increase in complexity) and voluminous; we've made many interim responses to those. Two requests were held up for consultation. The seventh was a request that came in at the very end of July for a contractor's proposal. The contractor's key staff had were on their summer vacations and weren't all available until September to start the contractor review process. We closed that request in the third week of FY 2014.

All but 2 of the 7 backlogged cases were closed by the middle of November 2014.

6. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2014.

If your agency did not receive any requests in Fiscal Year 2014 and/or has no request backlog, please answer with "N/A."

- *To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2014 Annual FOIA Report by the number of requests received in Fiscal Year 2014, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.*

10.6%

BACKLOGGED APPEALS

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

No, we had no backlog of appeals.

- *If not, explain why and describe the causes that contributed to your agency not being able reduce backlog. When doing so, please also indicate if any of the following were contributing factors:*
 - *An increase in the number of incoming appeal*
 - *A loss of staff*
 - *An increase in the complexity of the appeals received*

8. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2014. If your agency did not receive any appeals in Fiscal Year 2014 and/or has no appeal backlog, please answer with "N/A."

N/A

Status of Ten Oldest Requests, Appeals, and Consultations: Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

9. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No; one remained open.

10. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed six of them, you should note that you closed six out of seven "oldest" requests.*

We closed 5 out of 6 of the oldest requests.

11. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

None were closed for withdrawal.

TEN OLDEST APPEALS

12. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

CNCS had no pending appeals listed in the FY 2013 Annual FOIA Report.

13. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A

- For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.*

TEN OLDEST CONSULTATIONS

14. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

CNCS had no pending consultations listed in the FY 2013 Annual FOIA Report.

15. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A

- *For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.*

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

16. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

One request remained open from FY 2013 because of the complexity and volume of documents.

17. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

CNCS had no pending consultations at the close of the fiscal year.

18. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2015.

For the sole unclosed pending request that remains from the end of FY 2014, the plan is to keep sending interim responses (there have been 7 so far) until all the records have been reviewed and sent.

Interim Responses:

21. Does your agency have a system in place to provide interim responses to requesters when appropriate? See OIP Guidance, "[The Importance of Good Communication with FOIA Requesters](#)." (Mar. 1, 2010)

Yes.

22. If your agency had a backlog in Fiscal Year 2014, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

We provided substantive interim responses in 4 of the 7 backlogged requests.

Use of the FOIA's Law Enforcement Exclusions

Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?

No, CNCS did not invoke any statutory exclusions.

If so, please provide the total number of times exclusions were invoked.

N/A

Updated December 11, 2014